

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUTOMOTIVE INDUSTRIES PENSION  
TRUST FUND, *et al.*,

Plaintiffs,

v.

FITZPATRICK CHEVROLET INC., a  
California corporation, FITZPATRICK  
FAMILY LLC, a Nevada limited liability  
company, and DOES 1–10,

Defendants.

No. C 11-00195 WHA

**ORDER STRIKING  
MOTION AND  
VACATING HEARING**

Pursuant to the case management order (Dkt. No. 45 at ¶ 9) and the stipulation of the parties (Dkt. No. 61), plaintiffs' motion to strike affirmative defenses (Dkt. No. 59) is hereby **STRICKEN**. The hearing on the motion previously set for September 8, 2011, is **VACATED**. Plaintiffs may seek leave to file a new motion at the appropriate time by way of the précis procedure set forth in the case management order.

**IT IS SO ORDERED.**

Dated: July 25, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE